

REMARKS/ARGUMENTS

Status of the Application

In the Advisory Action mailed May 9, 2005, the Examiner indicated that the amendments and remarks Applicants submitted in response to the Final Office Action mailed on January 13, 2005, did not place the application in condition for allowance. Specifically, the Examiner indicated that the "the proposed amendment introduces new critical concentration ranges, that would require further search and consideration since they were not searched and addressed in the Final Office Action mailed on January 13, 2005." (emphasis in original).

In the Final Office Action, claims 1-6, 8, 10, and 13 were rejected. Applicants have amended claim 1 and canceled claims 4 and 5 in this Response only to provide further clarity regarding the present invention. Support for amended claim 1 is found in original claims 4 and 5 and in the specification on page 2, lines 33-39. Thus, claims 1-3, 6, 8, 10, and 13 are pending. No new matter was added.

Rejections Under 35 U.S.C § 103(a)

Claims 1-6, 10, and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Maag et al. (DE-A-197 57 082 or WO 99/26733) in view of Richard (U.S. Patent No. 5,091,211) for the reasons of record as set forth in Paragraph No. 5 of the Office Action mailed July 23, 2004. Applicants respectfully traverse these rejections.

As previously stated in Applicants' response of June 17, 2004, Applicants believe that Maag et al. is completely devoid of a single teaching that would lead a person of ordinary skill in the art to refer to the vinyl floor coating of Richard to invent a primer filler coating process that results in a primer filler layer having improved adhesion and exhibiting no edge marks upon being overcoated while still having good processability. Therefore, Applicants respectfully reiterate their request that the Examiner identify the teaching(s) in Maag et al. that would have led a person of ordinary skill in the art to look to the vinyl floor coating of Richard.

Furthermore, Applicants wish to reiterate that the Examiner's primary reference Maag et al. was identified by Applicants at page 1, lines 26-30; however, Applicants explain at page 1, lines 32-34, that known filler coating compositions

(including the filler coating compositions of Maag et al.) “exhibit . . . several disadvantages, in particular if they are to be formulated and used as priming fillers.” Applicants further explain at page 1, line 37 to page 2, line 2 that “UV curable priming fillers still exhibit inadequate adhesion onto metal substrates, such as, aluminum, steel and zinc”, and that “edge marks may occur on overcoating with further coating layers and the coating compositions exhibit deficiencies with regard to stability and/or flow.” Applicants then expressly indicate at page 2, lines 3-10 that “[t]his invention provides a process . . . that makes it possible to apply filler coating compositions curable by means of high energy radiation that yield coatings with excellent adhesion to the substrate . . . [w]hile retaining good processing characteristics”, and produce filler layers that when “overcoated, no edge marks should occur.”

Applicants have determined that the lack of edge marks at the point of contact between the OEM coating and the repair coating are unexpected or surprising results. This unexpected result was found when components A and B were within the stated ranges in amended claim 1, such that there were no visible internal or external edge marks. As evidence of such a finding, please refer to Examples 1, 2, and 3 as well as the “Presentation of coating results,” wherein a damaged OEM coating (coated onto sheet steel) was repaired such that the coating was sanded back to the steel substrate and when repaired, it exhibited no internal or external edge marks. Outside of the defined ranges for components A and B, however, it would be difficult to avoid the presence of edge marks on overcoating with topcoats while maintaining a balance between satisfactory flow and good stability. For example, in the instance where component B would be decreased below the lower limit of 40%, and therefore, component A is increased to an amount above 60%, adhesion problems would result between the substrate and the repair coating. It would also lead to reduced sandability, thereby resulting in edge marks when overcoating with topcoats. Moreover, another consequence would be a decrease in its flow capabilities, wherein the balanced properties of the present invention would be compromised. Neither Maag et al. nor Richard disclose the unexpected advantage cited herein or the ranges utilized with the present invention as set forth in

the amended claims. Thus, Applicants respectfully request that the Examiner withdraw the rejection.


Because claims 2-3, 6, 10, and 13 are dependent claims, which recite even further limitations to the claim that has already been traversed, Applicants rely upon the arguments presented above in rebuttal to the Examiner's assertion that claims 2-3, 6, 10, and 13 are unpatentable.

Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Maag et al. in view of Richard in further view of Brehm et al. (U.S. Patent No. 5,596,043) for the reasons of record as set forth in Paragraph No. 6 of the Office Action mailed July 23, 2004. Because claim 8 is a dependent claim, which recites even further limitations to claims that have already been traversed, Applicants rely upon the arguments presented above in rebuttal to the Examiner's assertion that claim 8 is unpatentable.

Summary

In view of the foregoing amendments and remarks, Applicants submit that this application is in condition for allowance. In order to expedite disposition of this case, the Examiner is invited to contact Applicants' representative at the telephone number below to resolve any remaining issues. Should there be a fee due which is not accounted for, please charge such fee to Deposit Account No. 04-1928 (E.I. du Pont de Nemours and Company).

Respectfully submitted,

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